

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

05-CR-6124L

v.

VICTOR DE PONCEAU,

Defendant.

Defendant, Victor De Ponceau (“DePonceau”), was indicted in this Court on September 1, 2005, and the case has been assigned to me. By motion filed May 27, 2008, DePonceau filed a *pro se* motion to recuse me (Dkt. #92). The motion is denied.

The so-called motion lists scores of individuals who allegedly are involved in some type of conspiracy relating in some way not specified to DePonceau. DePonceau rails against many public officials from former Governor George Pataki, Eliot Spitzer and others for failing to investigate certain perceived criminal activity. The rest of the motion simply lists federal cases which appear to have little to do with the pending motion.

DePonceau is no stranger to litigation in this court. He has filed numerous civil actions against countless individuals from President George Bush, most of the Second Circuit, most state judges in this area and numerous private entities. Judge John T. Elfvin describes some of this

activity in *DePonceau v. Bush*, 04-CV-6240. In that decision dated June 4, 2004, the complaint was dismissed and, as a sanction for filing that and prior frivolous lawsuits, Judge Elfvin barred DePonceau from filing any civil complaint without obtaining prior approval of the court. Judge Elfvin listed the numerous other complaints that DePonceau had filed up to that point.


The present petition for recusal contains some of the same type of allegations found to be frivolous in all the other lawsuits filed by DePonceau.

There is no basis for this Court to recuse itself since DePonceau has sued virtually every other judge within 100 miles of this courthouse and this motion appears to be little more than a misguided effort to remove this Court from his criminal action, and perhaps preclude anyone else from handling the case either.

CONCLUSION

Defendant Victor DePonceau's motion to recuse this Court is in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 3, 2008.